

HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE MEDICAL PROTECTIVE COMPANY,

Plaintiff,

v.

INNOVA PHYSICAL THERAPY LLC;
BARRETT SWIGARD a/k/a BRET or BRETT
SWIGARD,

Defendants.

NO. 2:24-cv-00320-JCC

**STIPULATED MOTION AND
[PROPOSED] ORDER TO STAY
PROCEEDINGS**

**NOTE ON MOTION CALENDAR:
APRIL 4, 2024**

COME NOW Plaintiff The Medical Protective Company (“Plaintiff” or “MedPro”) and Defendants Innova Physical Therapy LLC (“Innova”) and Barrett Swigard (“Defendants”) (collectively, “the Parties”), by and through their undersigned counsel of record, stipulate and submit this Stipulated Motion to Stay Proceedings.

The Parties respectfully request that this Court enter an Order Staying the above-captioned declaratory relief action (the “Declaratory Relief Action”) pending the trial court issuing a final judgment or Order of Dismissal in the underlying lawsuit entitled *ALW and AGW, et al. v. Innova Physical Therapy, LLC, et al.*, King County Superior Court, Case No. 23-2-00973-8 (the “Underlying Lawsuit”). Specifically, the Parties request that this Court enter an

STIPULATED MOTION AND [PROPOSED] ORDER
TO STAY PROCEEDINGS - 1
Case No. 2:24-cv-00320-JCC

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Order Staying the Declaratory Relief Action until thirty (30) days after the trial court in the Underlying Lawsuit issues a final judgment or Order of Dismissal, whichever occurs earlier.

This Declaratory Relief Action arises out of a dispute between the Parties as to whether Defendants are entitled to indemnity coverage under a professional liability policy that MedPro issued to Innova for claims asserted by the underlying plaintiffs against Defendants in the Underlying Lawsuit. Trial in the Underlying Lawsuit is currently scheduled to begin on July 8, 2024. As such, the Parties have conferred and request that this Court enter an Order Staying the Declaratory Relief Action until thirty days after the trial court in the Underlying Lawsuit issues a final judgment or Order of Dismissal, whichever occurs earlier.¹

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

The parties certify that this memorandum contains 304 words, in compliance with the Local Civil Rules.

Dated: April 4, 2024

GORDON REES SCULLY
MANSUKHANI, LLP

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¹ A district court has inherent power to grant or deny a stay of proceedings – a power which is “incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936).

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STIPULATED MOTION AND ~~[PROPOSED]~~ ORDER
TO STAY PROCEEDINGS - 3
Case No. 2:24-cv-00320-JCC

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ORDER

The Court GRANTS the Parties' Stipulated Motion to Stay Proceedings, and hereby ORDERS as follows:

1. The Declaratory Relief Action is hereby stayed until thirty days after the trial court in the Underlying Lawsuit (*ALW and AGW, et al. v. Innova Physical Therapy, LLC, et al.*, King County Superior Court, Case No. 23-2-00973-8) issues a final judgment or Order of Dismissal, whichever occurs earlier.

DATED this 4th day of April 2024.



Honorable John C. Coughenour
United States District Court Judge

Presented by:

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